18



Margaret Sampson msampson@velaw.com Tel 512.542.8569 Fax 512.236.3264

September 12, 2006

CERTIFICATE OF MAILING

I, certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

MAIL STOP PCT

ATTN: OFFICE OF PCT LEGAL ADMINISTRATION

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Re:

THE CHARD TO U. S. National Phase Patent Application Serial No. 10/533,208 based on PCT/US03/34207entitled "Array Oligomers Synthesis and Use" by Xiaolian Gao, et al. (Our Ref: INV850/4-011US/55006)

Dear Sirs:

Enclosed for filing in connection with the above-referenced patent application are the following documents:

- 1. Renewed Petition Under 37 CFR 1.47(a);
- 2. Declaration of Bobbie Melder;
- 3. Copy of Decision dated July 12, 2006; and
- 4. A return postcard to acknowledge receipt of these documents. Please date stamp and mail this postcard upon receipt.

No fees are believed due at this time. If there are any necessary fees related to the enclosed documents, the Commissioner is authorized to appropriately deduct the requisite amount from Vinson & Elkins L.L.P. Deposit Account No. 22-0365/INV850/4-011US/55006.

Respectfully submitted,

Margare Sampon

Margaret J. Sampson

1864:3058 **Enclosures**

BEST AVAILABLE COPY

Vinson & Elkins LLP Attorneys at Law Austin Beijing Dallas Dubai Houston London Moscow New York Shanghai Tokyo Washington

2801 Via Fortuna, Suite 100, Austin, TX 78746-7568 Tel 512.542.8400 Fax 512.542.8612 www.velaw.com

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Xiaolian Gao, et al.

Serial No.: 10/533,208

Filed: April 28, 2005

Priority Date: October 28, 2003

For: ARRAY OLIGOMERS SYNTHESIS AND

USE

Group Art Unit: To be assigned

Examiner: To be assigned

Atty. Dkt. No.: INV850/4-011US/55006

Confirmation No. 9106

CERTIFICATE OF MAILING

I, certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P. O. Box 1450, Alexandria, VA 22313-1450 on the date below:

Margaret J. Sampson

September 12, 2006

Date

RENEWED PETITION UNDER 37 CFR 1.47(a)

MAIL STOP PCT

Commissioner for Patents P. O. Box 1450

Alexandria, VA 22313-1450

ATTN: OFFICE OF PCT LEGAL ADMINISTRATION

This paper is submitted in response to a Decision dated July 12, 2006, for which the statutory period for response is September 12, 2006. No fees are believed to be due with the filing of this paper. Should any other fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason, the Commissioner is authorized to deduct said fees from VINSON & ELKINS L.L.P. Deposit Account No. 22-0365/INV850/4-011US/55006.

In response to the Decision, there are enclosed herewith:

- (a) With regard to Item (2) set forth in the Decision, the following documentation is included to support efforts to obtain the address or contact information for Inventor Cai:
 - (i) Letter to Inventor Gao dated March 2, 2006 (sent via email), forwarding declaration for signature and requesting addresses for Inventors Zhang and Cai;
 - (ii) Email from Inventor Gao dated March 2, 2006, forwarding email address for Inventor Zhang, with a statement that Inventor Zhang "might be able to give you Dr. Cai's address."
 - (iii) Letter to Inventor Zhang dated March 3, 2006 (sent via email), forwarding declaration for signature and requesting address for Inventor Cai;
 - (iv) Letter to Inventor Cai dated March 10, 2006, forwarded to last known address as provided by client (sent certified mail no return receipt received from Inventor Cai). A copy of the returned envelope is also attached indicating the last known address for Inventor Cai.

In response to Item (2), we believe that the above evidence supports a diligent effort on our part to obtain a signed declaration from Inventor Cai by sending to Inventor Cai's last known address, and by contacting several other inventors to determine if they knew Inventor Cai's current address. In addition, also enclosed is the Declaration of Bobbie Melder verifying efforts to locate a current address for Inventor Cai via telephone and Internet searches.

- (b) With regard to Item (4), documentation to support efforts to obtain an updated mailing address for Inventor You are shown below:
 - (i) Email dated December 2, 2003, listing Inventor You's fax number in China;
 - (ii) Facsimile coverpage to Inventor You dated December 19, 2003 (error- correct date is December 18, 2003);
 - (iii) Email from Inventor You dated December 18, 2003, confirming correct fax number in China;
 - (iv) Email from Inventor You's colleague (Inventor Zhou) dated December 19, 2003, forwarding Inventor You's email address;
 - (v) Email to Inventor You dated December 19, 2003, forwarding documents for signature as facsimile dated December 18, 2003 was undeliverable;
 - (vi) Email to Inventor You dated January 13, 2004, requesting return of executed documents forwarded December 19, 2003;
 - (vii) Email to Inventor You dated February 4, 2004, requesting return of executed documents by February 6, 2004, for filing with USPTO, as well as Inventor Cai's current address in China;
 - (viii) Email delivery notification dated February 4, 2004, confirming receipt of email to Inventor You dated February 4, 2004;
 - (ix) Affidavit of Nonsigning Inventor dated February 12, 2004, filed with USPTO because Inventor You did not forward the executed documents by the stated deadline;
 - (x) Correspondence to USPTO dated June 23, 2004 forwarding executed General Appointment of Agent and Assignment documents for filing with USPTO as executed by Inventor You. These documents were received in our office without any

cover letter from Inventor You, and immediately were forwarded to the USPTO to be placed on file. We have had no further contact with Inventor You.

In response to Item (4), we have requested an updated mailing address for Inventor You from Inventor You himself, but have only received a fax number in China and an email address. The last known address for Inventor You is Xeotron Corporation, 8275 El Rio, Suite 130, Houston, TX 77054. Xeotron Corporation is no longer in business. Our last contact with Inventor You indicated that he was in China. We have only been in contact with Inventor You in China via facsimile and email.

III. CONCLUSION

Applicants believe that a full and complete reply has been made to the Decision dated July 12, 2006, and, as such, the present application is in condition for allowance. Prompt and favorable consideration of this Renewed Petition is respectfully requested.

Respectfully submitted,

Margare Sampor

Margaret J. Sampson

Reg. No. 47,052

Attorney for Applicant

Vinson & Elkins L.L.P. First City Tower 1001 Fannin St., Suite 2300 Houston, Texas 77002-6760 512.542.8569

Date: September 12, 2006

Austin 740005v.1



Margaret Sampson msampson@velaw.com Tel 512.542.8569 Fax 512.236.3264



March 2, 2006

Via Electronic Mail (xgao@mail.uh.edu) Confirmation copy via U.S. mail

Dr. Xiaolian Gao
Department of Biology and Biochemistry
349 Science & Research
University of Houston
Houston, TX 77004-5001

Re: U. S. Patent Application Serial No. 10/533,208 entitled "Array Oligomer Synthesis and Use" by Xiaolian Gao, Xiaochuan Zhou, Shi-Ying Cai, Qirnin You, and Xiaolin Zhang (Our Ref: INV850/4-011US/55006)

Dear Dr. Gao:

I left you a voicemail earlier today about the above-identified U.S. patent application for which we need additional signed documentation from both you and Joe. As you recall, on October 28, 2003 we filed a PCT application entitled "Array Oligomer Synthesis and Use," *i.e.*, International Application No. PCT/US2003/034207. This application published on May 13, 2004, as WO 2004/039953 A3.

On April 28, 2005, the application was filed as a national U.S. application (U.S. Serial No. 10/533,208), which is enclosed herein. The application is jointly owned by the University of Houston and Invitrogen Corporation. In order to meet all requirements for maintaining this application, we need a signed declaration from you and the other four inventors, including Joe. The Declaration, which is also enclosed herein, requires that you and Joe each review and understand the specification and claims. After you each review the application, please sign, date, and fill in your residential address (where indicated) on the attached Declaration and return to my office as soon as possible, via facsimile (512.236.3264). We would appreciate it if you would then place the original signed document in the mail and send it to us at:

Margaret J. Sampson Vinson & Elkins L.L.P. 2801 Via Fortuna Suite 100 Austin, TX 78746 We are also trying to locate two of the other inventors, Shi-Ying Cai and Xiaolin Zhang. If you have a residence address, email address, or telephone number for either of these two inventors we would greatly appreciate your providing it to us. Again, we need this information to help maintain this application and protect the interests of the University of Houston.

Please do not hesitate to contact me if you have any questions concerning this matter.

Very truly yours,

Margaret J. Sampson

MJS:cfp

Enclosures

cc:

Anton J. Bokal (w/o encls.-via email)

Invitrogen Docketing Dept. (w/o encls.-via e-mail) John Warren - University of Houston (w/o encls.) Marya Breig, Docket Coordinator (w/o encls.)

680377_1.DOC

Porter, Carol

From: Sent:

Xiaolian Gao [xgao@atactictech.com] Thursday, March 02, 2006 8:29 PM

To: Cc:

Porter, Carol xgao@uh.edu

Subject:

RE: U.S. Patent Application SN 10/533,208



Carol,

I am traveling China and will be return in mid-March. Dr. Xiaolin Zhang's email is xzhang@atactictech.com and he might be able to give you Dr. Cai's address.

Any office actions have been received for this patent filing?

Thanks,

Office: 53-SR1 T: 713 743-2805 F: 713 743-2636 E: xgao@uh.edu

URL: gaolab.chem.uh.edu

----Original Message----

From: Porter, Carol [mailto:cporter@velaw.com]

Sent: Thursday, March 02, 2006 6:19 PM

To: Xiaolian.Gao@mail.uh.edu

Subject: U.S. Patent Application SN 10/533,208

Please see Margaret Sampson's letter of today's date and attachments. Carol F. Porter
Executive Legal Secretary
Vinson & Elkins LLP
2801 Via Fortuna, Suite 100
Austin, TX 78746-7568
Tel 512.542.8516
Fax 512.236.3264
cporter@velaw.com

To the extent this communication contains any statement regarding federal taxes, that statement was not written or intended to be used, and it cannot be used, by any person (i) as a basis for avoiding federal tax penalties that may be imposed on that person, or (ii) to promote, market or recommend to another party any transaction or matter addressed herein.

.....CONFIDENTIALITY NOTICE.....



Margaret Sampson msampson@velaw.com Tel 512.542.8569 Fax 512.236.3264

March 3, 2006

Via Electronic Mail (xzhang@atactictech.com)

Xiaolin Zhang

Re: U. S. Patent Application Serial No. 10/533,208 entitled "Array Oligomer Synthesis and Use" by Xiaolian Gao, Xiaochuan Zhou, Shi-Ying Cai, Qimin You, and Xiaolin Zhang (Our Ref: INV850/4-011US/55006)

Dear Dr. Zhang:

On October 28, 2003, we filed a PCT application entitled "Array Oligomer Synthesis and Use," *i.e.*, International Application No. PCT/US2003/034207, which lists you as one of five inventors. This application published on May 13, 2004, as WO 2004/039953 A3.

On April 28, 2005, the application was filed as a national U.S. application (U.S. Serial No. 10/533,208), which is attached to this correspondence. The application is jointly owned by the University of Houston and Invitrogen Corporation, since Xeotron Corporation assigned its interest in the application to Invitrogen Corporation. In order to meet all requirements for maintaining this application, we need a signed declaration from you. The Declaration (also attached to this correspondence) requires that you review and understand the specification and claims. After you review the application, please sign, date, and fill in your residential address (where indicated) on the Declaration and return it to my office as soon as possible, via facsimile (512.236.3264). We would greatly appreciate it if you would then place the original signed document in the mail and send it to us at:

Margaret J. Sampson Vinson & Elkins, LLP 2801 Via Fortuna Suite 100 Austin, Texas, 78746, USA

Please return the original Declaration to us via Federal Express and bill our account. Our Federal Express account number. is 102627563 and the "Billing Reference Number" is INV850/55006.

We are also trying to locate one of the other inventors, Shi-Ying Cai. If you have a residence address, email address, or telephone number for Shi-Ying Cai, we would greatly appreciate your providing it to us.

Please do not hesitate to contact me if you have any questions concerning this matter.

Very truly yours,

Margaret J. Sampson

MJS:cfp Enclosures 680798_1.DOC

Vinson&Elkins

Margaret Sampson msampson@velaw.com Tel 512.542.8569 Fax 512.236.3264

March 10, 2006

Via CM, RRR No. 7000 1530 0005 0915 8198 COPY

Shi-Ying Cai 8282 Cambridge Apt. 306 Houston, TX 77054

Re: U. S. Patent Application Serial No. 10/533,208 entitled "Array Oligomer Synthesis and Use" by Xiaolian Gao, Xiaochuan Zhou, Shi-Ying Cai, Qimin You, and Xiaolin Zhang (Our Ref: INV850/4-011US/55006)

Dear Shi-Ying:

On October 28, 2003, we filed a PCT application entitled "Array Oligomer Synthesis and Use," *i.e.*, International Application No. PCT/US2003/034207, which lists you as one of five inventors. This application published on May 13, 2004, as WO 2004/039953 A3.

On April 28, 2005, the application was filed as a national U.S. application (U.S. Serial No. 10/533,208), which is attached to this correspondence. The application is jointly owned by the University of Houston and Invitrogen Corporation, since Xeotron Corporation assigned its interest in the application to Invitrogen Corporation. In order to meet all requirements for maintaining this application, we need a signed declaration from you. The Declaration (also attached to this correspondence) requires that you review and understand the specification and claims. After you review the application, please sign, date, and fill in your residential address (where indicated) on the Declaration and return it to my office as soon as possible, via facsimile (512.236.3264). We would greatly appreciate it if you would then return the original signed document via Federal Express and bill our account. Our Federal Express account number. is 102627563 and the "Billing Reference Number" is INV850/55006. Please return the original signed document to:

Margaret J. Sampson Vinson & Elkins, LLP 2801 Via Fortuna Suite 100 Austin, Texas, 78746, USA Please do not hesitate to contact me if you have any questions concerning this matter.

Very truly yours,

Margaret J. Sampson

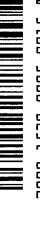
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First Class Mail

2801 Via Fortuna, Suite 100, Austin, Texas 78746-My Kinson & Elkins LLP Attorneys at Law

Vinson&Elkins

A STATE OF THE PARTY OF THE PAR

Shi-Ying Cai 8282 Cambridge Apt. 306 Houston, TX 77054







2801 VIA FORTUNA, SUITE 100

AUSTIN, TEXAS 78746-7568

ATTORNEYS AT LAW

VINSON & ELKINS L.L.P. THE TERRACE 7









TOPO TOTI

Melder, Bobbie

1,7-0000

From: Sampson, Margaret

Sent: Tuesday, December 02, 2003 11:50 AM

To: Melder, Bobbie

Subject: FW: Qimin You contact number

Exhibit Bi



----Original Message----

From: Nancy Parks [mailto:nparks@xeotron.com] Sent: Tuesday, December 02, 2003 11:25 AM

To: Sampson, Margaret

Subject: Qimin You contact number

iviargareτ,

Below is the fax number for Qimin that I received today.

Nancy

----Original Message-----

From: Xiaochuan Zhou [mailto:xczhou@atactictech.com]

Sent: Tuesday, December 02, 2003 11:20 AM

To: Nancy Parks **Cc:** Qimin You **Subject:**

Nancy,

Qimin's fax number is 01186-571-5680-5884.

You must write your cover page in Chinese. Ha! I was kidding. English is okay.

Joe

Xiaochuan (Joe) Zhou





VINSON & ELKINS L.L.P.
THE TERRACE 7
2801 VIA FORTUNA, SUITE 100
AUSTIN, TEXAS 78746
TELEPHONE (512) 542-8400
FAX (512) 542-8612
www.velaw.com

Margaret J. Sampson Direct Dial (512) 542-8569 Direct Fax (512) 236-3264 msampson@velaw.com

FACSIMILE TRANSMITTAL PAGE

DATE:

December 19, 2003

TO:

Qimin You

FAX:

01186-571-5680-5884

COMPANY:

Xeotron Corporation

PHONE:

PAGES:

(including this transmittal page)

CLIENT/MATTER:

XEO100/4-006WO/58005

FROM:

Margaret J. Sampson

MESSAGE:

Re: International Patent Application No. PCT/US03/34207 entitled "Array

Oligomer Synthesis and Use"

Dr. Yu:

Attached please find General Appointment of Agent and Assignment forms for the above-referenced patent application.

Please complete the General Appointment of Agent form by filling in your location when signing the document (city and country), as well as printing your name and title below your signature.

Please complete the Assignment by signing and dating the form. <u>Please note an official certification of the signature is required by the U.S. Patent Office.</u> Please obtain a notary stamp or Chinese equivalent when you execute the Assignment. You may have to go to the U.S. Embassy to obtain this official certification.

Please return the completed documents to my office as soon as possible for filing with the United States Patent and Trademark Office. You may return the completed documents via fax to the above number, and return the originals via airmail.

Please contact me at 512/542-8569 or <u>msampson@velaw.com</u> if you have any questions regarding the attached documents. Thank you for your assistance.

Hard Copy Follows: ☐ Yes ☒ No

CONFIDENTIALITY NOTICE:

The information contained in this FAX may be confidential and/or privileged. This FAX is intended to be reviewed initially by only the individual named above. If the reader of this TRANSMITTAL PAGE is not the intended recipient or a representative of the intended recipient, you are hereby notified that any review, dissemination or copying of this FAX or the information contained herein is prohibited. If you have received this FAX in error, please immediately notify the sender by telephone and return this FAX to the sender at the above address. Thank you.

From: Sent:

Qimin You [qiminyou2000@yahoo.com] Thursday, December 18, 2003 10:41 PM

To: Subject:

Melder, Bobbie Fax number in China

Dear Barbara,

Joe told me that you have some trouble sending fax (Xeotron invention disclosure signature page) to me. The number you have is correct (01186-571-5680-5884). Sometimes people may try to answer the phone/fax. I don't know whether or not that was the problem. Please try again, or let Joe fax the page to me (he can talk to whoever answering the phone).

Sorry for the inconvenience.

Have a great holiday season!

Qimin You

Do you Yahoo!?

New Yahoo! Photos - easier uploading and sharing. http://photos.yahoo.com/



From: Xiaochuan Zhou [xczhou@atactictech.com]

Sent: Friday, December 19, 2003 2:16 PM

To: Melder, Bobbie

Subject: RE: Fax Number for Dr. Qimin You

Bobbie,

Dr. Qimin You's email is giminyou2000@yahoo.com.

Good luck.

Joe

----Original Message-----

From: Melder, Bobbie [mailto:bmelder@velaw.com] **Sent:** Thursday, December 18, 2003 3:19 PM

To: xczhou@atactictech.com

Subject: FW: Fax Number for Dr. Qimin You

Importance: High

Sent on behalf of Margaret Sampson:

Dr. Zhou, if you could obtain an e-mail address for Dr. You, that would be very helpful. We could then just e-mail the documents to him for his signature. Thank you for your assistance.

----Original Message-----**From:** Melder, Bobbie

Sent: Thursday, December 18, 2003 1:00 PM

To: 'xczhou@atactictech.com'

Cc: Sampson, Margaret

Subject: Fax Number for Dr. Oimin You

Per our discussion on December 16, 2003, I still am unable to forward documents to Dr. You via fax. Could you please forward an e-mail to Dr. You requesting his current mailing address and/or an additional fax number? I need to forward documents for his signature which must be filed with the United States Patent and Trademark Office.

Thank you so much for your assistance.

-CONFIDENTIALITY NOTICE.....

The information in this email may be confidential and/or privileged. This email is intended to be reviewed by only the individual or organization named above. If you are not the intended recipient or an authorized representative of the intended recipient, you are hereby notified that any review, dissemination or copying of this email and its attachments, if any, or the information contained herein is prohibited. If you have received this email in error, please immediately notify the sender by return email and delete this email from your system.

Thank You.





Exhibit By

Melder, Bobbie

From:

Melder, Bobbie

Sent:

Friday, December 19, 2003 3:06 PM

To:

'qiminyou2000@yahoo.com'

Subject:

Xeotron Application - Documents for Signature

Importance: High

Sent on behalf of Margaret Sampson:

Re: International Patent Application No. PCT/US03/34207 entitled "Array Oligomer Synthesis and Use"

Dr. You,

Attached please find General Appointment of Agent and Assignment forms for the above-referenced patent application.

Please complete the General Appointment of Agent form by filling in your location when signing the document (city and country), as well as printing your name and title below your signature.

Please complete the Assignment by signing and dating the form. <u>Please note an official certification of the signature is required by the U.S. Patent Office.</u> Please obtain a notary stamp or Chinese equivalent when you execute the Assignment. You may have to go to the U.S. Embassy to obtain this official certification.

Please return the completed documents to my office as soon as possible for filing with the United States Patent and Trademark Office. You may return the completed documents via fax to the above number, and return the originals via airmail.

Please contact me at 512/542-8569 or <u>msampson@velaw.com</u> if you have any questions regarding the attached documents. Thank you for your assistance.

From:

Melder, Bobbie

Sent:

Tuesday, January 13, 2004)1:30 PM

To:

'qiminyou2000@yahoo.com'

Subject:

PCT/US03/34207 Bocuments for signature

Importance: High

Sent on behalf of Margaret Sampson:

Re: International Patent Application No. PCT/US03/34207 entitled "Array Oligomer Synthesis and Use"

Dr. You:

On December 19, 2003, we forwarded an Assignment and a General Appointment of Agent for your signature. We are simply following up with you to confirm receipt of the documents, and to see if you have any questions.

Please contact Margaret Sampson (512/542-8569) with any questions. We look forward to receiving the executed documents as soon as possible. Thank you.

From:

Melder, Bobbie

Sent:

Wednesday, February 04, 2004 12:32 PM

To:

'qiminyou2000@yahoo.com'

Subject:

URGENT - PLEASE RESPOND BY FEBRUARY 6, 2004

Importance:

High

Follow Up Flag: Follow up

Due By:

Friday, February 06, 2004 5:00 PM

Flag Status:

Flagged

Sent on behalf of Margaret Sampson:

Re: PCT/US03/34207 entitled "Array Oligomer Synthesis and Use"

On December 19, 2003, we forwarded an Assignment and General Appointment of Agent for your signature regarding the referenced patent application. On January 13, 2004, we forwarded an additional request for the executed documents.

We must file these documents by February 10, 2004 with the USPTO. I have attached the necessary documents to this e-mail. Please print, execute and return via fax by February 6, 2004. Please note that the Assignment requires a notary stamp for your signature.

We are also in need of your current address in China. Please forward your address along with the executed documents.

If you have any questions regarding these documents, please contact me immediately so that we may discuss. Thank you for your assistance.

Bobbie Melder Docket Specialist



From:

Mail-System@velaw.com

Sent:

Wednesday, February 04, 2004 11:33 AM

To:

Melder, Bobbie

Subject:

Delivery Notification - Message successfully relayed.







ATT708644.txt

ATT708645.txt

The following recipients have been successfully relayed. <qiminyou2000@yahoo.com>

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The information in this email may be confidential and/or privileged. This email is intended to be reviewed by only the individual or organization named above. If you are not the intended recipient or an authorized representative of the intended recipient, you are hereby notified that any review, dissemination or copying of this email and its attachments, if any, or the information contained herein is prohibited. If you have received this email in error, please immediately notify the sender by return email and delete this email from your system.

Thank You.





In re Application of: Gao, et al.

Serial No.: PCT/US03/34207

Filed: October 28, 2003

For: ARRAY OLIGOMER SYNTHESIS AND

USE



Atty. Dkt. No: XEO100/4-006WO/58005

C	ERTIFICATE OF EXPRESS MAILING
	EV253711073US
	February 12, 2004
	fee is being deposited with the United States Postal
Service "EX	PRESS MAIL POST OFFICE TO ADDRESSEE"
	e date indicated above and is addressed to: Mail Stop
PCT, Commi	ssioner for Patents, P. O. Box 1450, Alexandria, VA
22313-1450.	, 11

AFFIDAVIT FOR NONSIGNING INVENTOR UNDER CFR §1.47

MAIL STOP PCT

Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

The inventors of the captioned application are Xiaolian Gao, Xiaochuan Zhou, Shi-Ying Cai, Qimin You, and Xiaolin Zhang. The application has been jointly assigned to Xeotron Corporation and The University of Houston of Houston, Texas. One of the named inventors, Qimin You, has not responded to our requests for a current address nor has he executed and returned the required documents for filing with the United States Patent and Trademark Office. Dr. You relocated to China in November 2003, but did not leave a forwarding address with his former employer. We have been in contact with his former employer, a co-inventor, and Dr. You via e-mail on three different occasions, but have been unable to secure the required documents

and current mailing address. You confirmed his telefax number 36-571-5680-5884) via e-mail on December 18, 2003, but has neglected to contact us or return the executed documents along with his current mailing address.

We therefore request that this application be accepted without the current address and signature of one inventor, Qimin You.

Should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Commissioner is hereby authorized to deduct said fees from Vinson & Elkins L.L.P. Deposit Account No. 22-0365/XEO100/4-006WO/58005.

Respectfully submitted,

Margaret J. Sampson

Reg. No. 47,052

Attorney for Applicant

Vinson & Elkins L.L.P. 2300 First City Tower 1001 Fannin Street Houston, Texas 77002-6760 512/542-8569

Date: February 12, 2004

425149_1.DOC

THE OFFICIAL DATE STAMP HEREON BY THE U.S. PATENT AND TRADEMARK OFFICE ACKNOWLEDGES RECEIPT OF THE FOLLOWING

Applicant:

Gao, et al.

DT20 Rec'd PCT/PTO 12 FEB 2004

Serial No.:

PCT/US03/34207

Filing Date:

October 28, 2003

Docket No.:

XEO100/4-006WO/58005

Entitled:

ARRAY OLIGOMER SYNTHESIS AND LICE IVED

Date Mailed: February 12, 2004

Enclosures:

1) Transmittal letter (1 sheet)

2) Response to Invitation to Correct December 2/04 (2

sheets);

3) General Appointments of Agent (5 sheets);

2) Affidavit for Nonsigning Inventor (2 sheets);

3) Formal Drawings (30 drawings on 29 sheets)

4) Postcard

Express Mail Label No. EV 253711073US





VINSON & ELKINS L.L.P. 2300 FIRST CITY TOWER 1001 FANNIN STREET HOUSTON, TEXAS 77002-6760 TELEPHONE (713) 758-2222 FAX (713) 758-2346 www.velaw.com



Margaret J. Sampson Direct Dial (512) 542-8569 Direct Fax (512) 236-3264 msampson@velaw.com

June 23, 2004

CERTIFICATE OF MAILING

I, certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to Mail Stop PCT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450:

June 23, 2004 Maye Date

Margaret J. Sampson

MAIL STOP PCT

Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

Re:

International Patent Application No. PCT/US03/34207 entitled "Array Oligomer Synthesis and Use" – Xiaolian Gao, et. al.

(Atty. Dkt. No.: XE0100/4-006WO/58005)

Dear Sirs:

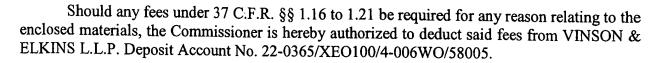
Enclosed for filing in the above-referenced patent application is:

- 1. General Appointment of Agent for Qimin You;
- 2. Figures 1-30 (29 sheets);
- Copy of Notice requesting new drawings dated 6/9/04; and
- 4. A return postcard to acknowledge receipt of these documents. Please date stamp and mail this postcard.

We had previously filed an Affidavit for Nonsigning Inventor on February 12, 2004 on behalf of Dr. You. Dr. You has now joined the prosecution of this application, and we request that the enclosed General Appointment of Agent be placed on file for the referenced application.

With regard to the enclosed drawings, there were no specific figures indicated for revisions. Therefore, we attempted to remove any additional shading throughout the figures in an effort to satisfy the filing requirements. If the enclosed Figures do not satisfy the filing requirements, please contact me, and we will be happy to further revise the Figures as requested.

Mail Stop PCT Page 2 June 23, 2004



Respectfully submitted,

Margaret J. Sampson

Reg. No. 47,052

1864:3058 Enclosures

PATENT COOPERATION TREATY

General Appointment of Agent

The undersigned Applicant hereby appoints:

Steven R. Borgman (Reg. No. 33,160); Avelyn Ross Broughton (Reg. No. 51,174); W. Scott Brown (Reg. No. 32,968); Brian K. Buss (Reg. No. 42,375); Timothy S. Corder (Reg. No. 38,414); Chris N. Cravey (Reg. No. 47,506); Tracey B. Davies (Reg. No. 44,644); Barry E. Engel (Reg. No. 37,127); Adam V. Floyd (Reg. No. 39,192); Randy C. Furlong (Reg. No. 35,144); Stephen M. Hash (Reg. No. 45,490); Stephen S. Hodgson (Reg. No. 41,075); William L. LaFuze (Reg. No. 27,205); Gerald D. Malpass, Jr. (Reg. No. 40,079); J. Clark Martin (Reg. No. 26,198); Douglas W. McClellan (Reg. No. 41,183); Peter E. Mims (Reg. No. 32,429); Michelle M. Muller (Reg. No. 42,913); Minh-Hien Nguyen (Reg. No. 37,294); Ronald W. Robins (Reg. No. 26,222); Margaret J. Sampson (Reg. No. 47,052); W. Willem G. Schuurman (Reg. No. 29,998); Michael J. Smith (Reg. No. 51,381); Nicole W. Stafford (Reg. No. 43,929); David B. Weaver (Reg. No. 43,244); Karen Tucker White (Reg. No. 34,267); Christopher Ryan (Reg. No. 54,759); Cindy Y. Lee (Reg. No. 54,258); Matthew R. Rodgers (Reg. No. 50,564); and David K. Wooten (Reg. No. 52,375), each a member, an associate or an employee of the firm of VINSON & ELKINS L.L.P., for so long as they remain with such firm, as attorney or agent, to act on Applicant's behalf before the competent International Authorities in connection with the international application concerning the invention entitled

ARRAY OLIGOMER SYNTHESIS AND USE

filed with the United States Receiving Office by Applicant and to receive payments on Applicant's behalf.

Please direct all communications as follows:

Margaret J. Sampson Reg. No. 47,062 VINSON & ELKINS L.L.P. 2300 First City Tower 1001 Fannin Street Houston, Texas 77002-6760 United States of America (512) 542-8569

VANESSA NICOLE JENKINS

NOTARY PUBLIC STATE OF TEXAS
COMMISSION EXPIRES:

Place: WUS Fargo Bank

Date: 6-3-04

APPLICANT/INVENTOR: QIMIN YOU

NAME: OIM IN YOU
TITLE: Sr. SC'OUTIST

THE OFFICIAL DATE STAMP HEREON BY THE U.S. PATENT AND TRADEMARK OFFICE ACKNOWLEDGES RECEIPT OF THE FOLLOWING ED

IP DOCKET OFFICE

Applicant:

Gao, et al.

Serial No.:

PCT/US03/34207

Filing Date:

October 28, 2003

Docket No.: Entitled:

XEO100/4-006WO/58005

ARRAY OLIGOMER SYNTHESIS AND USE

Date Mailed:

June 23, 2004

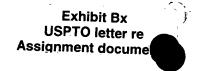
Enclosures:

- 1) Transmittal letter (1 sheet);
- 2) General Appointment of Agent (1 sheet);
- 3) Figures 1-30 (29 sheets);
- 4) Copy of Notice requesting new drawings (1 sheet);

5) Postcard

DT02 Rec'd PCT/PTO 2 8 JUN 2004





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Margaret J. Sampson Direct Dial 512/542-8569 Direct Fax 512/236-3264 msampson@velaw.com

June 23, 2004

VIA FAX (703/306-5995)

MAIL STOP ASSIGNMENT RECORDATION SERVICES

Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450 CERTIFICATE OF FACSIMILE

I certify that this correspondence is being transmitted on June 23, 2004, by facsimile to the Patent and Trademark Office in accordance with 37 C.F.R. §1.8.

amon

June 23, 2004 Date Margaret J. Sampson

Re:

International Patent Application No. PCT/US03/34207 entitled "Array Oligomer

Synthesis and Use" – Xiaolian Gao, et. al. (Atty. Dkt. No.: XE0100/4-006WO/58005)

Dear Sirs:

Enclosed please find the following document for filing with the above-referenced patent application:

1) Recordation Cover Sheet and Assignment on behalf of Xeotron Corporation of Houston, Texas.

The Commissioner is hereby authorized to deduct \$40.00 for the recordation fee for the enclosed assignment from VINSON & ELKINS L.L.P. Deposit Account No. 22-0365/XEO100/4-006WO/58005. Should any additional fees under 37 C.F.R. §§ 1.16 to 1.18 be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct or credit said fees from or to referenced deposit account.

Respectfully submitted,

Margare Damp

Margaret J. Sampson

Reg. No. 47,052

1864:3058:500702

Enclosures

*ORM PTQ-1595 (Modified) (Rev. 6-93) OMB No. 0651-0011 (exp.4/94) Copyright 1994-97 LegalStar

RECORDATION FORM COVER SHEET

PATENTS ONLY

pket No.: XEO100/4-006WO/58005 U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

POB/REV02 Tab settings → → ▼	
	Please record the attached original documents or copy thereof.
Name of conveying party(ies): Qimin You	Name and address of receiving party(ies):
	Name: Xeotron Corporation
	Internal Address:
Additional names(s) of conveying party(ies)	
3. Nature of conveyance:	
🖾 Assignment 🔲 Merger	Street Address: 8275 El Rio, Suite 130
☐ Security Agreement ☐ Change of Name	
Other	City: Houston State: TX ZIP: 77054
Execution Date: June 3, 2004	Additional name(s) & address(es) attached? Yes No
4. Application number(s) or registration numbers(s):	
If this document is being filed together with a new application	, the execution date of the application is:
A. Patent Application No.(s)	B. Patent No.(s)
PCT/US03/34207	
Additional numbers attack	ched?
5. Name and address of party to whom correspondence concerning document should be mailed:	6. Total number of applications and patents involved:
Name: Margaret J. Sampson	7. Total fee (37 CFR 3.41):\$ 40.00
Internal Address: Vinson & Elkins L.L.P.	☐ Enclosed - Any excess or insufficiency should be credited or debited to deposit account
	Authorized to be charged to deposit account
Street Address: 2300 First City Tower	8. Deposit account number:
1001 Fannin Street	22-0365
City: Houston State: TX ZIP: 77002	
DO NOT	USE THIS SPACE
9. Statement and signature. To the best of my knowledge and belief, the foregoing inform of the original document.	ation is true and correct and any attached copy is a true copy
Margaret J. Sampson Marga	June 23, 2004
Name of Person Signing	Signature Date

Total number of pages including cover sheet, attachments, and document:

PATENT XEO100/4-006WO

ASSIGNMENT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which are hereby acknowledged, the undersigned, does hereby:

SELL, ASSIGN AND TRANSFER to Xeotron Corporation (the "Assignee"), having a place of business at 8275 El Rio, Suite 130, Houston, Texas 77054, the entire right, title and interest for the United States and all foreign countries, in and to any and all improvements which are disclosed in the application for United States Letters Patent Serial No. 60/421,942 filed on October 28, 2002, and is entitled ARRAY OLIGOMER SYNTHESIS AND USE, such application and all divisional, continuing, continuation-in-part, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and specifically including the right to file foreign applications under the provisions of any convention or treaty and claim priority based on such application in the United States;

AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by the undersigned;

COVENANT that, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, continuation-in-part, substitute, renewal, reissue, and all other patent applications on any and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof, and generally do everything possible which the Assignee shall consider desirable for securing, maintaining and enforcing proper patent protection for such improvements and for vesting title to such improvements in the Assignee;

TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

(Signature)	Date:		
Name:	Xiaolian Gao		
appeared Xiaolia	E ME, the undersigned authority, on Gao known to me to be the person to me that she executed the same.	n whose name is subscribe	d to the foregoing instrument
[SEAL]		Notary or Co	nsular Officer

(Signature) _ Name:	Date:	
name.	Xiaochuan Zhou	
appeared Xiaocl	E ME, the undersigned authority, on this day of thuan Zhou known to me to be the person whose name is acknowledge to me that she executed the same of her own erein expressed.	subscribed to the foregoing
[SEAL]	Notary or C	onsular Officer
(Signature)	Date:	
Name:	Shi-Ying Cai	
appeared Shi-Yir	Janeson Ma	ed to the foregoing instrument
appeared Qimin	Date: 06-0 Qimin You E ME, the undersigned authority, on this 31 day of 10 Yu known to me to be the person whose name is subscribed to me that he executed the same of his own free will for the purpose that he executed the same of his own free will feel the head of his own free w	ine, 2007, personally
(Signature) Name:	Xiaolin Zhang Date:	
appeared Xiaolin	E ME, the undersigned authority, on this day of Zhang known to me to be the person whose name is subscribe to me that he executed the same of his own free will for the	ed to the foregoing instrument
[SEAL]	Notary or Co	onsular Officer

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Xiaolian Gao, et al.

Serial No.: 10/533,208

Filed: April 28, 2005

For: ARRAY OLIGOMERS SYNTHESIS AND

USE

Group Art Unit: TBA

Examiner: TBA

Atty. Dkt. No.: INV850/4-11US

Confirmation No.: 9106

CERTIFICATE OF MAILING

I, certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to Mail Stop PCT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450:

Margaret Sampson

September 12, 2006

Date

DECLARATION OF BOBBIE MELDER

MAIL STOP PCT

Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

ATTN: OFFICE OF PCT LEGAL ADMINISTRATION

I, BOBBIE MELDER, HEREBY DECLARE AS FOLLOWS:

- 1. I am the Docket Coordinator for Vinson & Elkins L.L.P. in the Austin office.
- 2. I made a diligent effort to obtain a signed declaration from Inventor Cai by 1) forwarding the document to his last known address in Houston, Texas, 2) by performing a search of residential telephone pages in the Houston, Texas area (see Exhibit "A"), and 3) by performing an Internet search using <u>Yahoo.com</u> dated March 22, 2006 (see Exhibit "B").

3. All statements made in this Declaration of my own knowledge are true and all statements made in this Declaration on information and belief are believed to be true, and these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both under 18 U.S.C. § 1001 and may jeopardize the validity of this application of any patent issuing thereon.

September 12, 2006
Date

Bobbie Melder

IPTL Docket Coordinator

Austin 742135v.1

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Freece 5208 Northridge 77033	— 713 674-4157 713 731-7631	Cynthia 8711 Parkway Forest 77044 —————————————————————————————————	— 281 459-1124
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AGER Greg 12600 Brookglade Cir 77099	713 779-4824 281 575-1527	R G 7218 River Fern 77040	- 713 466-8705
VGGIANO Philip R 4616 Pine 77401	713 643-8221 713 667-4714	Sandra 975 Sheldon Rd 77530 ————————————————————————————————————	281 457-0564 281 457-0177
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arron W & P A 1934 Diamond Brook Dr	- 251 990-0802	Darrell 17527 Heartsfrid Ct 77095 ————————————————————————————————————	- 281 304-8255 - 713 647-8768
rad 16418 Lakastone Dr 77375	- 281 488-6108 281 251-5167	Elizabeth 10811 Valley Forge 77042 — — G 33557 Wright 77355 — — — — — — — — — — — — — — — — — —	713 782-4475 281 259-8908
D 7403 Obde Or 77087	- 713 694-8765 - 713 645-6009	Gregory M 1124 Colquitt 77008	713 521-3706 713 662-8189
L 9901 Brookview 77571	- 281 667-9333 - 281 470-9186	James 22302 Webb Rd 77447 ————————————————————————————————	281 516-7942 713 880-1723
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ethy 3122 Sackett 77098	- 713 529-8383 - 281 485-8531	M 5400 Memorial Dr 77007	- 713 874-0467 - 713 868-6221
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wis 8655 Jones Rd 77065	- 281 955-0090 - 281 808-4740	Melissa 2828 Barrind Ln 77098	713 522-8641 713 868-3304
12127 Qual Creek Dr 77070—————————————————————————————————	- 281 257-2559 - 713 827-0010	Milchael 8110 Fembrook 77070 Patrick M 3 S Rosel Fem Dr 77380	832 912-8131
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rry 232 Baychore Or 77571	- 281 259-6859 - 281 842-1085	Darlus M 7703 Valera Ln 77083 — Ed B	281 564-4471 281 388-1348
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th 9109 Pecos 77055 819 Easthald Dr 77459	281 835-8799	Teresa 1447 Hitchin Ln 77530 — — — — — — — — — — — — — — — — — — —	- 281 452-7113 - 281 288-8550 - 713 947-9554
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	Maria 13002 Fox Brish Ln 77041	- 71:	856-8271
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	CAID CHIRS 2/16 CHIRS 7/055 CAID C 2524 Notingham 7/005 Charlene 2333 Wrodon Rd 77005 Charlene PhD 2524 Notingham 7/006	-71: -71:	533-0558 5607-6338
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	James & Rachel 9606 Crosby Way 77459 ——	-281	778-4414
	Marc Christopher 3614 Serova Dr 77584 ————————————————————————————————————	-281	419-6599 379-1872 863-8035 778-4414 304-8075 412-7642 252-3635
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	A 12734 Centerbury Dr 77014 Adrian 14507 Waterville 77015 Alan E & Gloria 2300 Sciasca 77373	· 832	249-9896 453-6455
		-281 711	353-4101 839-8930
	Allam 1523 Wood Lodge 77077	281	589-1200
	Andria & Chuck 23 Mirror Ridge Dr 77382	- 261 - 281	591-0768 363-3963 363- 9 063
	Antha 1500 Strangered 77511	281	363-9063
	Artonto 910 Cypress Station 77090 Ashley 10302 Thornmort Ln 77070 Ashley & Ross 1307 Medins Oaks Dr 77379	281	331-1904 866-7393 894-8930
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	Billy & Tarmov 1141 Wilcow Creek Dr 77571	281 281-	225-8536 488-7118 470-2375
	Bob 1208 Ashland 77530 — Bob 2607 Quali Run 77511 — — — — — — — — — — — — — — — — — —	281	452-0555 331-8768
	Bobby 26211 Clovertand Park Ln 77433	• 281	240-431/
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	Brian W 15811 Hickory Knoll 77059 ————————————————————————————————————	281 713	480-7418 780-4761
	Bruce & Jerome Garcia 6306 S Ros Av		
	Butch 23402 Nichols Sexmill Rd 77447	281	778-7402 252-0692 292-6929 350-4764 733-3920
	C W 519 Shenandosh Dr 77381 ————————————————————————————————————	281 281	292-8929 350-4744
	Catherine 5325 Longmeadow 77033 Catherine 6829 Height 77028 Chandra 22825 Antique Estates Ct 77388	713	733-3920
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	D 1714 Stonecrest 77018	281 713	590-6231 862-6856
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	Dan & Julie 16219 David Glen 77546	ZB1 281	48 2-727 0 48 7- 6718
	David 88 N Woodstock Circle Dr 77381 ————————————————————————————————————	281 281	298-7852 922-7444
	David 83 N Woodstock Gride Dr 77381	281	288-2373 482-7270 487-6718 298-7852 922-7411 356-1448
	Derifd N 2305 Center 77503 — — — — — — — — — — — — — — — — — — —	/13 281	4/5-1840 447-7174
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	Douglas	28 28	259-0272 288-7470 660-0531 855-4059 488-5950 475-0411	
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	G 7206 Lavender 77016	713 28	631-0689 454-5208 473-7067 884-3888	
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	Gordon A 2121 Kirby Dr 77019 — Gregory L 13211 Vincs Ct 77429 — H 19310 Wood Village 77084 —	7i	529-2847	
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	H Will 13619 Butterfly Ln 77079 ————— Harry 2 Baylest Ln 77380 ————————————————————————————————————	713 28	468-4759 292-7632	
	Harry Jr 18302 Leefs 77040	28 713	871-8368 1 529-2847 1 370-5953 1 646-0910 1 399-5628 1 468-4759 1 292-7632 1 384-9334 1 468-8301 1 849-0549	
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	J L 5639 Yarvell 77096 J L 10149 Long Point 77043 J Thomas 711 6th St N Texas City Tx 77590	713 713	729-5760 465-2703	
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	James 20822 Jadestone Ln 77388 Jas A 16202 Gerden Hill Ln 77095 James A MD 6833 Vanderbilt 77005		528-7553 463-8476	
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	James M 407 S Pardner Creek Dr 77381 – James Paul 1821 Velertine 7709 – James Paul 1821 Velertine 7709 – James R Lt Col Ret 5915 Lodge Creek 770 James & Susan 1307 Medins Oxiss Dr 7737 Jan Y 10110 Faiths 77029 – Janet 8704 Devt Dr 77023	281 713	292-0326 942-7018	
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	John C atty 750 Bering Dr 77057		464-1766 787-1492	
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SPONSOR RESULTS BY INTELIUS (What's this?)

• Cai - New Phone Number, Address and Address History Available. Find Any Unlisted Nu Address with Age, Date of Birth, and Family Members. Search by Maiden name, Spouse Name, Phone Number Security Number. www.intelius.com

PEOPLE SEARCH RESULTS 21 - 28 out of about 28.

Name	ADVERTISEMENT	Address	Phone
<u>Xiaojun Cai</u>	More Information Background Check	3822 N Braeswood Blvd Houston, TX Add to Address Book, Map	(713) 838-7085
<u>Xiaomin Cai</u>	More Information Background Check	8511 Clarewood Dr Houston, TX Add to Address Book, Map	(713) 995-9567 (713) 266 5070 (713) 776-9850
> <u>Y Cai</u>	More Information Background Check	10940 Meadowglen Ln Houston, TX Add to Address Book, Map	(713) 260 5070
Ying Cai	More Information Background Check	Houston, TX Add to Address Book, Map	(713) 776-9850
Yuzheng Cai	More Information Background Check	9542 Kelsey Meadows Ct Houston, TX Add to Address Book, Map	(713) 983-7289
Zhixiong Cai	More Information Background Check	12707 Boheme Dr Houston, TX Add to Address Book, Map	(713) 932-0980
Zhixiong Cai	More Information Background Check	12707 Boheme Dr Houston, TX Add to Address Book, Map	(713) 932-6105
Zong-jin Cai	More Information Background Check	7655 S Braeswood Blvd Houston, TX Add to Address Book, Map	(713) 779-7809
Showing 21 - 28 of 28		•	First Previous

SPONSOR RESULTS BY INTELIUS (What's this?)

 Found Current Phone Number and Address for Cai in Public Records- Records include Address, Phone Number, Age, Date of Birth, Address History and Family Members. find.intelius.com

Exhibit B

Yahoo! My Yahoo! Mail Make ! your home page E-mail for 7. cai

Search the Web

AHOO, PEOPLE SEARCH

People Sea

Your Email Searc	:h:	
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last Cai

Create / Edit My Listing - Rem

Yahoo! Search

Advanced

SPONSOR RESULTS BY INTELIUS (What's this?)

• Y Cai - New Phone Number, Address and Address History Available. Find Any Unlisted Address with Age, Date of Birth, and Family Members. Search by Maiden name, Spouse Name, Phone Number Security Number. www.intelius.com

PEOPLE SEARCH RESULTS 1 - 3 out of about 3.

Name

ADVERTISEMENT

Address

Email

Brahma Y.w.cai Cai

More Information Background Check

Add to Address Book

brakmacai@hoti

Y Cai

More Information **Background Check**

ycai_w@yahoo.com.cn

?p?y Cai

More Information **Background Check**

Add to Address Book

gqet5679@yahc

Showing 1 - 3 of 3

First | Previous

SPONSOR RESULTS BY INTELIUS (What's this?)

• Found Current Phone Number and Address for Y Cai in Public Records - Records incl Address, Phone Number, Age, Date of Birth, Address History and Family Members. www.intelius.com

Search the Web: Y Cai

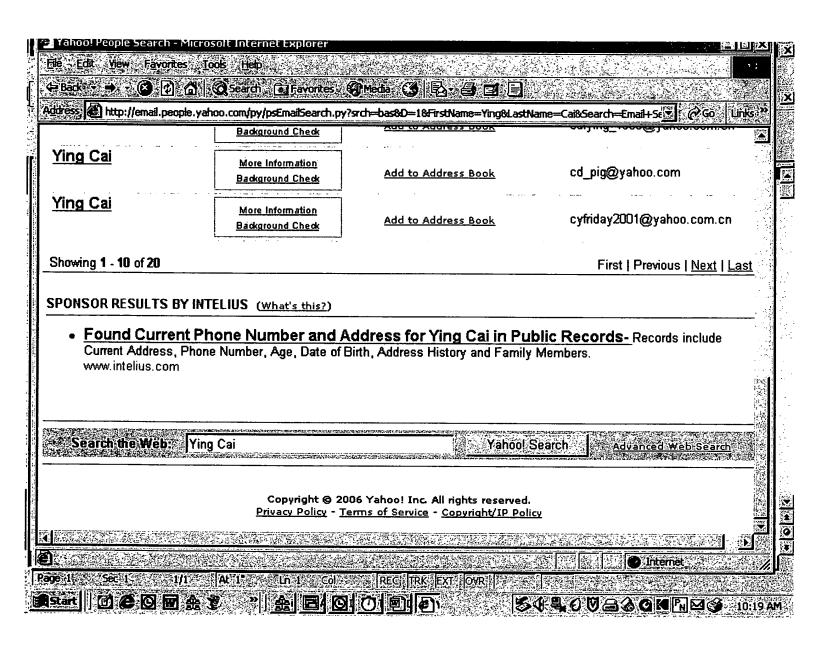
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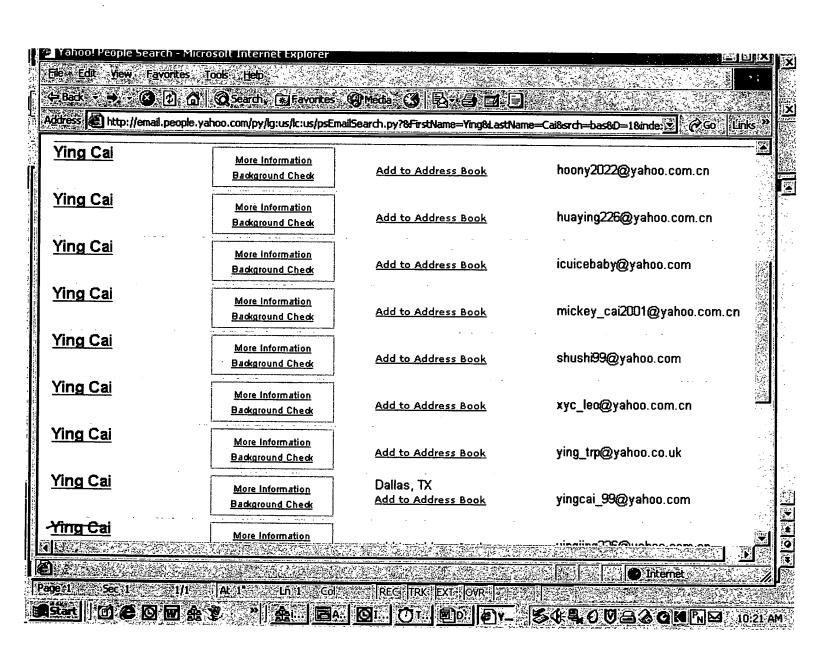
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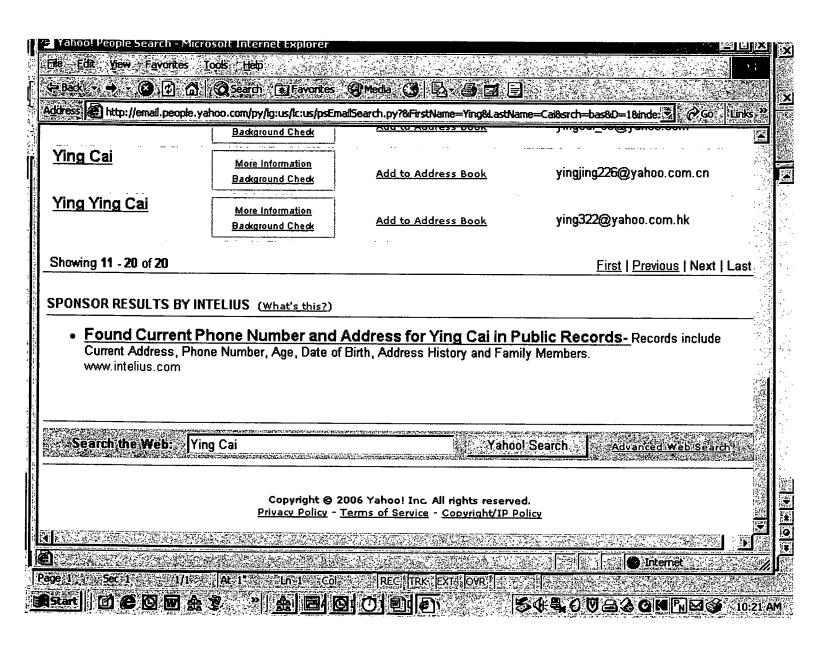
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IP Docket Office Vinson & Elkins

VINSON & ELKINS, L.L.P. 1001 FANNIN STREET 2300 FIRST CITY TOWER HOUSTON, TX 77002-6760

In re Application of GAO et al U.S. Application No.: 10/533,208

PCT Application No.: PCT/US03/34207

Int. Filing Date: 28 October 2003

Priority Date Claimed: 28 October 2002 Attorney Docket No.: INV850/4-11US/55006 ARRAY OLIGOMER SYNTHESIS AND For:

USE

DECISION

This is in response to applicant's "Petition Under CFR §1.47" filed 21 April 2006.

BACKGROUND

On 28 October 2003, applicant filed international application PCT/US03/34207, which claimed priority of an earlier United States application filed 28 October 2002 The thirty-month period for paying the basic national fee in the United States expired on 28 April 2005.

On 28 April 2005, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, inter alia, the basic national fee required by 35 U.S.C. 371(c)(1).

On 21 October 2005, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 21 April 2006, applicant filed the present petition under 37 CFR 1.47(a).

<u>DISCUSSION</u>

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be

Application Number: 10/533,208

reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, applicant has submitted declarations signed by the available inventors each on his/her own behalf and on behalf of the nonsigning inventors.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, an affidavit or declaration of facts should be submitted which fully describes the exact facts which are relied on to establish that a diligent effort was made. . . . The affidavit or declaration of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as certified mail return receipt, cover letter of instructions, telegrams, etc., that support a finding that the nonsigning inventor could not be found or reached should be made part of the affidavit or declaration. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions.

Where a refusal to sign the application papers is alleged, the circumstances of this refusal must be specified in an affidavit or declaration by the person to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Before a refusal can be alleged, it must be demonstrated that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.

When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the affidavit or declaration. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

Inventor Qimin You

The petition adequately demonstrates that a bona fide attempt was made to present a copy of the application papers to inventor You for signature. In particular, the application papers were sent to inventor You via electronic mail on 02 March 2006. Furthermore, the petition sufficiently establishes that inventor You refuses to sign. Specifically, inventor You's failure to respond to the messages dated 02 March 2006 and 19 April 2006 evidence a constructive refusal to cooperate. Thus, it can be concluded with reasonable certainty that inventor You refuses to join in the application.

Inventor Shi-Ying Cai

The petition does not adequately show that a diligent effort was made to locate inventor Cai. In particular, the petition includes documentary evidence of a single attempt to reach inventor Cai via postal mail. Although copies of various documents attached to the petition suggest that other attempts were made to find inventor Cai (e.g. electronic mail, internet directories, etc.), the petition does not include an affidavit explaining such attempts. The affidavit must be signed by the person with firsthand knowledge of such attempts. Furthermore, evidence of attempts to reach inventor Cai by telephone and through his/her former employer has not been furnished. Thus, it would not be reasonable to conclude at the present time that inventor Cai cannot be found.

With regard to item (3) above, applicant has provided the requisite petition fee.

With regard to item (4) above, the petition states the last known address of inventor Cai but does not state the last known address of inventor You.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is <u>DISMISSED</u> without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Failure to timely file a proper response will result in abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Tung

PCT Legal Examiner

PCT Legal Office

Telephone: 571-272-3303 Facsimile: 571-273-0459

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